

(b) **REQUIREMENTS.**—In providing educational assistance under subsection (a), the Secretary shall ensure that the educational assistance is provided for programs of education that lead to a degree or certification in a cybersecurity field from an institution of higher education, including a community college.

(c) **FUNDING.**—

(1) **ADDITIONAL AMOUNT.**—The amount authorized to be appropriated for fiscal year 2022 by section 201 for research, development, test, and evaluation is hereby increased by \$3,000,000, with the amount of the increase to be available for Life Fire Test and Evaluation (PE 0605131OTE).

(2) **AVAILABILITY.**—The amount available under paragraph (1) shall be available to carry out the program required by subsection (a).

(3) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2022 by section 101 for procurement is hereby decreased by \$3,000,000, with the amount of the decrease to be taken from amounts available for Procurement of Ammo, Navy & Marine Corps, General Purpose Bombs.

SA 4539. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1264. ANNUAL REPORT ON SURVEILLANCE SALES TO REPRESSIVE GOVERNMENTS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 2040, the Secretary of State, in coordination with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report with respect to foreign persons that the Secretary of State determines—

(1) have operated, sold, leased, or otherwise provided, directly or indirectly, items or services related to targeted digital surveillance with knowledge of, or disregard for, potential human rights concerns to—

(A) a foreign government or entity located primarily inside a foreign country where a reasonable person would assess that such transfer could result in a use of the items or services in a manner contrary to human rights; or

(B) a country including any governmental unit thereof, entity, or other person determined by the Secretary of State in a notice published in the Federal Register to have used items or services for targeted digital surveillance in a manner contrary to human rights; or

(2) have materially assisted, sponsored, or provided financial, material, or technological support for, or items or services to or in support of, the activities described in paragraph (1).

(b) **MATTERS TO BE INCLUDED.**—Each report required by subsection (a) shall include the following for the preceding one-year period:

(1) The name of each foreign person with respect to which the Secretary has made a

determination under paragraph (1) or (2) of subsection (a).

(2) The name of each intended and actual recipient of items or services described in subsection (a).

(3) A detailed description of such items or services.

(4) An identification of such items and services that could provide the Government of the People's Republic of China with a critical capability to suppress basic human rights, including items and services that provide the capability—

(A) to conduct surveillance;

(B) to monitor and restrict an individual's movement;

(C) to monitor and restrict access to the internet; or

(D) to identify individuals through facial or voice recognition.

(5) An analysis of whether the inclusion of the persons named under paragraph (1) on the entity list maintained by the Bureau of Industry and Security is appropriate.

(c) **CONSULTATION.**—In compiling data and making assessments for the purpose of preparing a report required by subsection (a), the Secretary of State shall consult with a wide range of organizations, including with respect to—

(1) classified and unclassified information provided by the Director of National Intelligence;

(2) information provided by the Bureau of Democracy, Human Rights, and Labor's Internet Freedom, Business and Human Rights section;

(3) information provided by the Department of Commerce, including the Bureau of Industry and Security;

(4) information provided by the advisory committees established by the Secretary of State to advise the Under Secretary of Commerce for Industry and Security on controls under the Export Administration Regulations, including the Emerging Technology and Research Advisory Committee; and

(5) information on human rights and technology matters, as solicited from civil society and human rights organizations through regular consultation processes; and

(6) information contained in the country reports on human rights practices published annually by the Department of State.

(d) **FORM.**—Each report required by subsection (a) shall be submitted in unclassified form and may include a classified annex.

(e) **PUBLIC AVAILABILITY.**—Not later than 14 days after the date on which each report required by subsection (a) is submitted to Congress, the President shall post the report on a text-based, searchable, and publicly available internet website.

(f) **DEFINITIONS.**—In this section:

(1) **FOREIGN PERSON.**—The term “foreign person” means an individual or entity that is not a United States person.

(2) **IN A MANNER CONTRARY TO HUMAN RIGHTS.**—The term “in a manner contrary to human rights”, with respect to targeted digital surveillance, means engaging in targeted digital surveillance—

(A) in violation of basic human rights, including to silence dissent, sanction criticism, punish independent reporting (and sources for that reporting), manipulate or interfere with democratic or electoral processes, persecute minorities or vulnerable groups, or target advocates or practitioners of human rights and democratic rights (including activists, journalists, artists, minority communities, or opposition politicians); or

(B) in a country lacking a minimum legal framework governing the use of targeted digital surveillance, including established—

(i) authorization under laws that are accessible, precise, and available to the public;

(ii) constraints limiting the use of targeted digital surveillance under principles of necessity, proportionality, and legitimacy;

(iii) oversight by entities independent of the government's executive agencies;

(iv) involvement of an independent and impartial judiciary branch in authorizing the use of targeted digital surveillance; or

(v) legal remedies in case of abuse.

(3) **TARGETED DIGITAL SURVEILLANCE.**—The term “targeted digital surveillance” means the use of items or services that enable an individual or entity to detect, monitor, intercept, collect, exploit, preserve, protect, transmit, retain, or otherwise gain access to the communications, protected information, work product, browsing data, research, identifying information, location history, or online and offline activities of other individuals, organizations, or entities, with or without the explicit authorization of such individuals, organizations, or entities.

SA 4540. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, strike lines 6 and 7, and insert the following:

(C) in paragraph (5)—

(i) by striking “fiscal year 2021” and inserting “fiscal year 2022”; and

(ii) by striking “\$75,000,000” and inserting “\$125,000,000”;

In the funding table in section 4301, for Operation and Maintenance, Defense-wide relating to Administrative and Service-Wide Activities, in the item relating to the Defense Security Cooperation Agency, Increase to Ukraine Security Assistance Initiative, strike the amount in the Senate Authorized column and insert “[100,000]”.

In the funding table in section 4301, for Operation and Maintenance, Defense-wide relating to Subtotal Administrative and Service-Wide Activities, strike the amount in the Senate Authorized column and insert “35,080,256”.

In the funding table in section 4301, for Operation and Maintenance, Defense-wide relating to Total Operation and Maintenance, Defense-Wide, strike the amount in the Senate Authorized column and insert “45,129,862”.

In the funding table in section 4301 for Operation and Maintenance, Defense-wide relating to Afghanistan Security Forces Fund, Afghan Air Force, [Sustainment], strike the amount in the Senate Authorized column and insert “512,056”.

In the funding table in section 4301 for Operation and Maintenance, Defense-wide relating to Afghanistan Security Forces Fund, Afghan Air Force, Subtotal Afghan Air Force, strike the amount in the Senate Authorized column and insert “467,331”.

In the funding table in section 4301 for Operation and Maintenance, Defense-wide relating to Afghanistan Security Forces Fund, Total Afghanistan Security Forces Fund, strike the amount in the Senate Authorized column and insert “3,277,810”.

SA 4541. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to